



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,544	07/20/2001	Roberto Ayala	YOR920010274US1/I31-0004	2135

7590
Philmore H. Colburn II
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002

06/30/2008

EXAMINER

CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
----------	--------------

3627

MAIL DATE	DELIVERY MODE
-----------	---------------

06/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/910,544	Applicant(s) AYALA ET AL.	
	Examiner Michael Cuff	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lidow (2003/0194057).

As to claims 54 and 62, Lidow shows aggregating demand received by an enterprise server, from enterprise site (comprising customers associated with the enterprise), the demand comprising materials requirements from each site (see e.g., par. 0018, lines 1-5; Fig. 6, 100; par 0160); generating an unconstrained forecast from the aggregating (comprising summing the demand forecasts from the customers as in par. 0018, lines 5-8; Fig. 7, 138); transmitting the unconstrained forecasts to the suppliers (e.g., par. 0018, 8-11; par. 0019, 1-3; Fig. 6, 116, 118; Fig. 7, 142, Fig. 8, 154); receiving supplier capability statements from the from the suppliers (par. 0019, suppliers reply in lines 1-6; Fig. 7, 142; par. 0165, lines 13-18; Fig. 8, 154; par. 0166, lines 14-20); generating a constrained forecast (par. 0019, lines 6-7- customers change their demand forecast; Fig. 6, 120; Fig. 8, 158; par. 0167, lines 7-11 -a new demand forecast created which is constrained by supplier capabilities); and transmitting the constrained forecast to the suppliers. Lidow does not show that the received supplier capability statements are forwarded by the enterprise site. However, forwarding a

supplier capability statement is notoriously old and well known in the art. It would have been obvious to one of ordinary skill of the art to modify the method of Lidow by having the supplier capability statements forwarded by the enterprise site in order to keep the group "in the loop" regarding supplier status.

Paragraph [0051] clearly shows aggregation and projected forecast from a group of customers (enterprise sites).

Paragraph [0167] shows that when demand is higher than capacity, there is a process for resolving the difference. One of the steps is to use customer intervention 158 to constrain the forecast in order to resolve the capacity/demand issue. One possibility disclosed is postponed delivery (equal or less to unconstrained forecast).

Lidow's Procurement Module formalizes the commitment or agreement made as a result of capacity/demand resolution.

Alternatively, as to claims 54 and 62 Lidow shows aggregating demand received by an enterprise server, from enterprise site (comprising customers associated with the enterprise), the demand comprising materials requirements from each site (see e.g., par. 0018, lines 1-5); generating an unconstrained forecast from the aggregating (comprising summing the demand forecasts from the customers as in par. 0018, lines 5-8); transmitting the unconstrained forecasts to the suppliers (e.g., par. 0018, 8-11 ; par. 0019, 1-3); receiving supplier capability statements from the from the suppliers; generating a constrained forecast; and transmitting the constrained forecast to the suppliers. Lidow does not show that the received supplier capability statements are

forwarded by the enterprise site. However, it would have been an obvious matter of design choice to have the suppliers send it to the enterprise site and then have it forwarded, since the specification does not state that this particular method of transmission is for a particular purpose or solves any particular problem, and it appears that the method would function equally well either way.

As to claim 51, Lidow does not explicitly show providing a formal commitment to produce the supply. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of Lidow by providing a formal commitment in order to provide evidence of a meeting of the minds and to clarify communications.

As to claims 52, 55, 57, 63, and 65, it is noted that Lidow shows all elements.

As to claims 59-61, and 67-69, Lidow shows all elements except using a constraint based optimization tool running a squared set analysis; producing a squared set build plan; and inputting the build plan into an MRP tool. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of Lidow by using a constraint based optimization tool running a squared set analysis; producing a squared set build plan; and inputting the build plan into an MRP tool in order to produce a material needs forecast.

As to claim 53, Lidow shows all elements except using an MRP system to generate the forecasts. However, it is notoriously old and well known in the art to do so. It would have been obvious to one of ordinary skill in the arts to modify the method of

Lidow by using an MRP system to generate the forecasts in order to provide for more efficient use of resources. It is also included in applicant's own disclosure. See paragraph 0005.

Response to Arguments

Applicant's arguments filed 3/11/08 have been fully considered but they are not persuasive.

Applicant asserts that the prior art does not show the newly added limitations. The examiner does concur. The rejection has been modified to specifically address the new limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Cuff/

Primary Examiner, Art Unit 3627